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22 July 1949

Chief, CFB

Office of the General Counsel

Determination of Residence Status

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1. Reference is made to memorandum of 11 July 1949, from [redacted] branch, requesting a definite determination of his residence at the time of employment by this Agency. This request has been forwarded to this office for legal opinion as to the individual's actual residence.

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2. The facts appear in the aforesaid memorandum but, for purposes of emphasis, are repeated in part:

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[redacted] was released to inactive duty from the Navy on 18 June 1946, and transported at Government expense to his residence in Idaho Falls, Idaho. He was married on 26 June 1946 and arrived in Washington, D.C. in mid-July 1946 for a two-fold purpose (a) honeymoon, and (b) exploration of employment possibilities. He was interviewed by a CIO representative in mid-August 1946, after having been recommended by a security officer of the Department of State.

All papers filed by [redacted] in connection with his application for employment consistently referred to his Idaho Falls address. During this period, the bulk of his personal belongings, including wedding gifts and miscellaneous household effects, remained in Idaho Falls.

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According to [redacted], he was led to believe, in August 1946, that he could anticipate employment in Latin America and, therefore, remained in Washington, D.C. pending processing of his application. During the period of his stay in Washington, D.C. [redacted] had no employment and lived in either rented rooms, hotels, or sub-let apartments. His reason for not returning home during this period appears to have been financial rather than personal.

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3. The question to be determined is, therefore, the actual residence of Christensen at the time of his appointment.

4. We have previously stated that the term "actual residence" generally is understood to mean the place at which the appointee physically resided at the time of his appointment. However, this

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